

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 481 OF 2018

Kausalya Diwanji Dimbale. .. Applicant.

V/s.

State of Maharashtra. .. Respondent.

Mr. Sandeep M. Phatak, advocate for applicant.

Ms. Veera Shinde, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : JULY 13, 2018.

P. C. :

1 Heard the learned Counsel for the applicant and learned APP for State.

2 The applicant herein is apprehending his arrest in Crime No. 233 of 2017 registered at Rajgad(Bhor) Police Station for offence punishable under section 302, 323, 504 and 506 read with section 34 of the Indian Penal Code. The applicant was granted interim protection vide order dated 20th March, 2018. This Court had observed that at the time of the incident, the deceased was 80 years old. There was dispute between both the families. The deceased was pushed by Divanji Dimbale, Dnyaneshwar Dimbale, Abhishekh Dimbale due to which, he

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fell down on the floor, sustained head injuries. The cause of the death is cardiac respiratory arrest due to depressed fracture at occipital region coupled with hemorrhage. The role assigned to the present applicant is that she had pulled the hair of the daughter of the deceased. In view of this, the interim relief granted vide order dated 20/3/2018 deserves to be confirmed on the same terms and conditions.

3 The observations are restricted to the application under section 438 of the Code of Criminal Procedure, 1973 and the same shall not be considered for discharge application, quashing of FIR or at the time of trial.

4 Hence, following order is passed :

ORDER

(i) The application is allowed.

(ii) In the event of arrest in Crime No. 233 of 2017 registered at Raigad Police Station, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 50,000/- with one or more solvent sureties in the like amount.

(iiI) The applicant shall not tamper with the evidence.

(iv) The applicant shall report to the concerned police station as

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and when called by the investigating officer and cooperate with the investigating agency to the best of her capacity.

5 The application is disposed of accordingly.

Aruna
Sandeep
Talwalkar

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[SMT. SADHANA S. JADHAV, J.]